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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,572	10/03/2001	David William James Holmes	101948002US	5361

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EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/972,572

Applicant(s)

HOLMES, DAVID WILLIAM JAMES

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claim(s) 1, 8, 11 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitchings (US 2003/0190020) in view of Murveit et al. (US 6,750,964 B1).

Regarding **claim(s) 1 and 21**, Kitchings discloses a method for automatically connecting to electronic addresses received in spoken communications (§ 0001), comprising:

receiving at least one telephone call from a caller, wherein the at least one telephone call includes voiced address information, wherein the voiced address information corresponds to at least one electronic address (§ 0017) [The user 202 is engaged into a telephone conversation with a friend 201 who wants to give the user 202 a phone number];

automatically extracting the identified voiced address information based on the identified voiced address information (§ 0017) [The phone extracts the number from the recorded portion of the conversion and converted the portion into numerals after the user stops the recording of the conversation];

receiving user input (§ 0017) [The user 202 select a speed dial button for storage of the telephone number]; and

after receiving the user input, automatically coupling to at least one electronic address associated with the voiced address information based in part on the automatically extracted and identified voiced address information (§ 0017 and § 0019) [The system stores the telephone number associated with the speed dial button for the user to dial and wait for the next time the user 202 will press the record button].

Kitchings discloses an automated recording of telephone numbers but fails to disclose automatically identifying the voiced address information, wherein the identifying is performed without first actively soliciting the caller for the at least one electronic address, without activating a voice record function on the phone.

However, Murveit teaches automatically identifying the voiced address information, wherein the identifying is performed without first actively soliciting the caller

for the at least one electronic address, without activating a voice record function on the phone, and without need for querying a database for the at least one electronic address previously existing within the database (FIG. 2 and column 4, lines 48-67) [The voice recognition system 100 identifies potential speech utterances in the voice message contain information of importance to the recipient such as a sequence of numbers or an address].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the phone of Kitchings using the speech recognition software parsing the live communication as taught by Murveit.

This modification would offer the capability of identifying the spoken number in the ongoing communication so that the user would benefit of accessing information available and embedded in the voice messages.

Regarding **claim(s) 8**, Kitchings discloses receiving at least one command from a user, wherein the at least one command is of a type selected from among spoken commands and manual input commands (§ 0017).

Regarding **claim(s) 11**, Kitchings discloses the at least one electronic address is associated with at least one device selected from among personal computers, processor-based devices, wired telephones, wireless telephones, wired radiotelephones, wireless radiotelephones, internet telephones, cellular telephones,

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paggers, personal digital assistants, personal communication devices, electronic mail devices, telematic systems, and informatics systems (§ 0017).

4. **Claim(s) 2-5, 7 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitchings and Murveit as applied to **claim(s) 1** above, and further in view of Miner et al. (US 5,652,789).

Regarding **claim(s) 2**, Kitchings and Murveit as applied to **claim(s) 1** differ from **claim(s) 2**, in that it fails to disclose one voice mail message.

However, Miner teaches storing the at least one telephone call as at least one voice mail message (column 39, lines 48-54);

retrieving and playing the at least one voice mail message (column 11, lines 22-36);

scanning the at least one voice mail message for the voiced address information (column 33, lines 29-48);

identifying at least one portion of the at least one voice mail message that includes the voiced address information (column 33, lines 29-48); and

re-playing the identified at least one portion to verify in the at least one portion accuracy of address information for the electronic address (column 34, lines 1-7).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Kitchings using the voice mail message as taught by Miner.

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This modification would offer the capability of identifying the spoken number in the voicemail message so that the user would call back the sender.

Regarding **claim(s) 3**, Miner teaches generating an electronic message including the extracted voiced address information (column 33, lines 29-48);

forwarding the electronic message among at least one location pre-specified by a user (column 33, lines 29-48); and

extracting the voiced address information from the electronic message following receipt at the at least one location (column 39, lines 48-54).

Regarding **claim(s) 4**, Kitchings discloses the at least one location includes a telephone, wherein at least one operation can be performed on the address information including editing and storing (¶ 0017).

Regarding **claim(s) 5**, Miner teaches the at least one location includes at least one call switch, wherein a first electronic connection is terminated in order to establish the coupling (column 42, lines 43-60).

Regarding **claim(s) 7**, Miner teaches configuring the retrieving and scanning using a configuration selected from among at least one automatic and at least one manual configuration (column 39, lines 48-54);

wherein the at least one automatic configuration automatically retrieves and scans the at least one voice mail message (column 39, lines 48-54);

wherein the at least one manual configuration retrieves and scans the at least one voice mail message upon receipt of at least one corresponding user command (column 39, lines 48-54).

Regarding **claim(s) 10**, Miner teaches coupling comprises connecting a called party with two or more other parties during a telephone call using the at least one electronic address, wherein a conference call is established (column 24, lines 22-29).

5. **Claim(s) 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kitchings in view of Murveit, in view of Miner as applied to **claim(s) 3** above, and further in view of Rochkind (US 5,848,130).

Regarding **claim(s) 6**, Kitchings and Miner as applied to **claim(s) 3** differ from **claim(s) 6**, in that it fails to disclose posting to at least one web page.

However, Rochkind teaches the at least one location includes at least one server, wherein at least one operation can be performed on the address information including editing, loading into at least one directory, and posting to at least one web page (column 2, lines 42-59).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use posting to at least one web page of Rochkind in the invention of Miner.

The modification of the invention would offer the capability of posting to at least one web page such as the system would convert speech data into text message.

6. **Claim(s) 9, 12, 19 and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitchings in view of Murveit and in further view of Agraharam et al. (US 2004/0062365).

Regarding **claim(s) 12, 19 and 22**, Kitchings and Murveit disclose all the limitation of **claim(s) 12, 19 and 22** as stated in **claim(s) 1'** s rejection but it fails to disclose the contact to be either email addresses or a Uniform Resource Identifiers.

However, Agraharam teaches either email addresses or a Uniform Resource Identifiers (§ 0014) [The network prompts the calling party to input the intended recipient's e-mail address to forward the message].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Kitchings using the email address as taught by Agraharam.

This modification would offer the capability of either email address so that the user would have the email address save in the phone memory.

Regarding **claim(s) 9**, Agraharam teaches the electronic address types further include electronic mail addresses and Uniform Resource Identifiers (§ 0014) [The network prompts the calling party to input the intended recipient's e-mail address to forward the message].

7. **Claim(s) 13 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Miner in view of Murveit.

Regarding **claim(s) 13**, Miner discloses a communications system (column 1, lines 5-8), comprising:

at least one network (104 on FIG. 5) coupled among components including:

at least one portable communications device (116 on FIG. 5);

at least one routing system (90 on FIG. 5);

at least one voice message system (206 on FIG. 11); and

at least one recognition and connection system (100 on FIG. 5);

wherein the components support voice recognition analysis on live calls and recorded information (column 40, lines 35-43) [The subscriber's response is recognized by the voice recognition capabilities of the ASR card];

wherein the voice recognition analysis includes: analyzing at least one voice stream, (column 39, lines 48-54), wherein the spoken address information includes at least one electronic address selected from electronic address types including telephone numbers (column 39, lines 48-54), wherein the identifying is performed without first

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actively soliciting the caller for the at least one electronic address, automatically recognizing and extracting the identified address information (column 39, lines 48-54), transferring the extracted address information to at least one pre-specified location (column 39, lines 48-54), automatically connecting users to the at least one electronic address using the extracted address information in response to a command (column 42, lines 43-60) [The electronic assistant uses the contact message to dial the number and establishes the connection between the subscriber and the outgoing call line].

Miner discloses identifying the address information but fails to disclose automatically identifying spoken address information of the at least one voice stream without activating a voice record function, without first actively soliciting the caller for the at least one electronic address, and without need for querying a database for the at least one electronic address previously existing within the database.

However, Murveit teaches automatically identifying spoken address information of the at least one voice stream without activating a voice record function, without first actively soliciting the caller for the at least one electronic address, and without need for querying a database for the at least one electronic address previously existing within the database (FIG. 2 and column 4, lines 48-67) [The voice recognition system 100 identifies potential speech utterances in the voice message contain information of importance to the recipient such as a sequence of numbers or an address].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the phone of Kitchings using the speech recognition software parsing the live communication as taught by Murveit.

This modification would offer the capability of identifying the spoken number in the ongoing communication so that the user would benefit of accessing information available and embedded in the voice messages.

Regarding **claim(s) 14**, Miner teaches all the limitations as stated in **claim(s) 7** rejection.

8. **Claim(s) 16 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitchings in view of Murveit and in further view of Miner.

Regarding **claim(s) 16**, Kitchings, Murveit and Miner disclose all the limitations of **claim(s) 16** as stated in **claim(s) 1 and 13** above.

Regarding **claim(s) 17**, Kitchings teaches the analysis is either real-time analysis of telephone calls or post analysis of voice mail messages (§ 0017).

9. **Claim(s) 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Miner in view of Murveit as applied to **claim(s) 13** above, and further in view of Hünlich et al. (US 6,553,024 B1).

Regarding **claim(s) 15**, Miner and Murveit as applied to **claim(s) 13** differ from **claim(s) 15** in that it fails to disclose using at least one short message transfer type.

However, Hünlich teaches transferring includes using at least one short message transfer type selected from among short message services and alphanumeric paging services (column 7, lines 25-38).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use using at least one short message transfer type of Hünlich in the invention of Miner.

The modification of the invention would offer the capability of using at least one short message transfer type such as the system would convert speech data into text message.

10. **Claim(s) 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kitchings in view of Murveit, in view of Miner as applied to **claim(s) 16** above, and further in view of Hünlich.

Regarding **claim(s) 18**, Kitchings, Murveit and Miner as applied to **claim(s) 16** differ from **claim(s) 18** in that it fails to disclose using at least one short message transfer type.

However, Hünlich teaches transferring includes using at least one short message transfer type selected from among short message services and alphanumeric paging services (column 7, lines 25-38).

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It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use using at least one short message transfer type of Hünlich in the invention of Kitchings.

The modification of the invention would offer the capability of using at least one short message transfer type such as the system would convert speech data into text message.

11. **Claim(s) 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kitchings in view of Murveit, in view of Agraharam as applied to **claim(s) 19** above, and further in view of Hünlich.

Regarding **claim(s) 20**, Kitchings and Agraharam as applied to **claim(s) 19** differ from **claim(s) 20** in that it fails to disclose using at least one short message transfer type.

However, Hünlich teaches transferring includes using at least one short message transfer type selected from among short message services and alphanumeric paging services (column 7, lines 25-38).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use using at least one short message transfer type of Hünlich in the invention of Kitchings.

The modification of the invention would offer the capability of using at least one short message transfer type such as the system would convert speech data into text message.

Response to Arguments

12. Applicant's arguments with respect to **claim(s) 1-22** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GERALD GAUTHIER
PATENT EXAMINER

g.g.
May 4, 2005


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